

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01803-BNB

MIKEAL GLENN STINE,

Plaintiff,

v.

UNITED STATES FEDERAL BUREAU OF PRISONS,

Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG - 5 2010

GREGORY C. LANGHAM
CLERK

ORDER OF DISMISSAL

Plaintiff, Mikeal Glenn Stine, is in the custody of the United States Bureau of Prisons (BOP) and currently is incarcerated at the ADX Florence. Originally, Mr. Stine, acting *pro se*, initiated this action in the United States District Court for the District of Columbia (District of Columbia). On June 30, 2010, the District of Columbia, finding lack of proper venue, transferred the case to this Court. The Court must construe Mr. Stine's Complaint liberally because he is a *pro se* litigant. *See Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). However, the Court should not act as a *pro se* litigant's advocate. *Hall*, 935 F.2d at 1110.

The Court has reviewed the Complaint. The claims Mr. Stine asserts against the BOP are being addressed by the Court in *Stine v. Fed. Bureau of Prisons*, No. 10-cv-01652-BNB (D. Colo. Filed July 13, 2010). Repetitious litigation of virtually identical causes of action may be dismissed as frivolous or malicious. *See Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988) (per curiam); *Van Meter v. Morgan*, 518 F.2d 366, 368 (8th Cir. 1975) (per curiam). The Court may consult its own records to determine

whether a pleading repeats pending or previously litigated claims. **See *Duhart v. Carlson***, 469 F.2d 471 (10th Cir. 1972). The Court has examined its records and is satisfied that the claims are repetitive of the claims Mr. Stine asserts in Case No. 10-cv-01652-BNB.

The Court further notes that Mr. Stine also is subject to the filing restrictions entered in ***Stine v. Lappin, et al.***, No. 07-cv-01839-WYD-KLM at Doc. Nos. 344 and 350 (D. Colo. Sept. 1, 2009) (unpublished). Mr. Stine has failed to comply with these restrictions. Accordingly, it is

ORDERED that the Complaint and action are dismissed with prejudice as legally frivolous under 28 U.S.C. § 1915(e)(2)(B)(i).

DATED at Denver, Colorado, this 5th day of August, 2010.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge, for
ZITA LEESON WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 10-cv-01803-BNB

Mikeal Glenn Stine
Reg. No. 55436-098
ADX – Florence
PO Box 8500
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the
above-named individuals on 8/5/10

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk